

Application Serial No. 10/627,104
In reply to Office Action of 7 June 2005

Attorney Docket No. 80033

REMARKS / ARGUMENTS

Claims 1-14 are currently pending in the application.

Claims 12 and 13 are allowed. Claims 1, 2, 7-10 and 14 are rejected and claims 3-6 and 11 are objected to. Claims 3, 7, 11 and 14 have been amended by this response.

Claims 7 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that in claim 7, lines 1-2; and in claim 14, line 14; the phrase "the threaded surface" lacks complete agreement with its antecedent. The Examiner suggested that perhaps the phrase [the threaded region] was intended.

The Examiner rejected claims 1-2 and 9 under U.S.C. § 103(a) as being unpatentable over Cobb (reference A: U.S. Patent No. 3,946,638) in view of Rocha (reference B: U.S. Patent No. 3,745,876) or JP 2-233998 (reference N).

The Examiner contended that Cobb discloses a launch tube assembly comprising:

- a) an aft launch tube portion with partially closed rear end; 26
- b) a transfer sleeve; 20
- c) a forward launch tube section; and 22
- d) an adjustable plenum col.2, lines 4-14

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The Examiner applied Rocha and JP 2-233998 for teaching a cap pinned to the forward end of the launch tube. The Examiner suggested that Applicant is selecting a means known in this art to close the forward end of the launch tube and putting it to use as it is already commonly known to be used in this art. The Examiner found that it would have been obvious to a person of ordinary skill in this art at the time of this invention to apply the teachings of either Rocha or JP 2-233998 to the Cobb disclosure and have a launch tube with a closed launch tube end.

The Examiner rejected claims 1-2 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by Valisko (reference C: U.S. Patent No. 6,119,454).

The Examiner contended that Valisko discloses a launch tube assembly comprising:

- a) an aft launch tube portion with partially closed rear end; 19,16
- b) a transfer sleeve; 17
- c) a forward launch tube section; 20
- d) an adjustable plenum; and col.2, lines 20-30
- a) a pinned cap. 21

The Examiner objected that claims 3-6 and 11 are dependent upon a rejected base claim, but he indicated these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

COSTAWA TRADE CORP

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The Examiner allowed claims 12-13.

The Examiner indicated that claims 7 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth above and to include all of the limitations of the base claim and any intervening claims.

These rejections and objections are respectfully traversed in view of these amendments and remarks that follow.

Applicants have amended claims 7 and 14 to reference a "threaded region" rather than a "threaded surface". Claim 14 should be allowable because of its dependence on allowable base claim 12. Applicants have amended claim 11 to correct a misspelled word.

Applicants have amended claim 3 to place it in independent form by including all of the limitations of parent claim 1 therein. This is in strict compliance with the Examiner's requirements for allowance. Claims 4-7 should be allowable by dependency from an allowable base claim. Applicants respectfully solicit allowance of claims 3-7.

Considering the prior art, Cobb appears to teach a man transportable rocket launcher including a pair of telescoping section, launch tubes, which are telescoped when being transported and extended for launching of the rocket. The warhead of the rocket always rides on the inner surface of the

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front tube which is carried inside the rear tube. Retention means cooperate with the fins to assist in retaining the rocket fins in folded position in the launcher prior to rocket launch. The retention means is moveable, with the rocket in the rear tube, for a predetermined length of travel of the rocket at which time the fins are released by the retention means and engaged by the inner surface of the front tube.

Rocha appears to teach a telescopic firearm including a firing tube for the discharge of a projectile, a blast deflector, a flash deflector for receiving said firing tube and blast deflector when telescoped thereinto, covers mounted by hinges on said flash deflector for closing the ends thereof, and a sight system incorporated in said covers.

Valisko appears to teach an exhaust manifold device which is provided to allow air to enter an exhaust manifold during normal operation of an engine to prevent exhaust gases being sucked into the cylinders via exhaust valves. Air can be supplied via valves (18 and 21) to the exhaust manifold as required and is supplied to the valve (21) at pressures, above atmospheric pressure, that increase with engine speed.

Japanese Patent JP 2-233998 appears from the figures to teach a rocket housing having an exterior tube and an interior tube. Upon launch, the thrust of the rocket pushes the interior tube backwards, sliding inside the exterior tube.

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Concerning the Examiner's §103 rejection of claims 1, 2 and 9, Applicants respectfully suggest that neither Cobb, Rocha nor JP 2-233998 teach a launch tube have an adjustable plenum.

Applicants suggest that Cobb teaches a rocket type projectile that is located at the rearmost portion of a launch tube. The front tube section 22 in front of rocket 14 is adjustable. However, in Applicants' invention the plenum is defined within the transfer sleeve forward of the aft launch tube portion and aft of the forward launch tube portion. The device to be launched is positioned in the forward launch tube portion.

Applicants' invention allows control of the launching gasses whereas the Cobb invention does not allow such control. Neither Rocha nor JP 2-233998 have an adjustable plenum defined to allow control of launch gasses. In view of this, Applicants respectfully suggest that claims 1, 2 and 9 should be allowable over Cobb in view of Rocha or JP 2-233998.

Concerning the Examiner's rejection of claims 1-2, and 8-10 as being anticipated by Valisko. Applicants suggest that Valisko does not show each and every element of Applicants' invention. Valisko teaches an exhaust manifold that is incapable of launching a device. There is an adjustable portion shown in Valisko, but it is impossible to tell whether it would allow control of launch gasses because Valisko does not have an element provided to house a launch tube device. Likewise, the

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portion the Examiner has indicated as an "aft launch tube portion" in Valisko does not have a rear closed end for housing a gas generator. Because this portion is open, launch gasses would escape from the identified portion, and Valisko would be incapable of launching a projectile. As such, Applicants suggest that Valisco does not teach a launch tube assembly because it could not be used as a launch tube. Applicants respectfully solicit reconsideration and allowance of claims 1-2 and 8-10.

In view of the Remarks above, the Applicants respectfully request reconsideration and allowance of the application.

The Examiner is invited to telephone James M. Kasischke, Attorney for Applicant, at 401-832-4736 if, in the opinion of the Examiner, such a telephone call would serve to expedite the prosecution of the subject patent application.

Respectfully submitted,
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7 September 2005

By

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